

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

ASCENTIAL SOFTWARE,
Plaintiff

CIVIL ACTION NO. 04-40130-DPW

v.

RUSSELL DODSON,
Defendant

SCHEDULING ORDER

WOODLOCK, D.J.

This Order is intended primarily to aid and assist counsel in scheduling and planning the preparation and presentation of cases, thereby insuring the effective, speedy and fair disposition of cases, either by settlement or trial.

The above-entitled action having been heard on July 16, 2004, it is hereby ORDERED pursuant to Rule 16(b) of the Federal Rules of Civil Procedure and Local Rule 16.1(F), that:

- (1) amendments and/or supplements to the pleadings/additional parties, shall be filed by **JULY 30, 2004**;
- (2) all trial experts are to be designated and disclosure of information contemplated by FRCP, Rule 26 provided by the plaintiff(s) no later than **SEPTEMBER 16, 2004**, and by the defendant(s) no later than **SEPTEMBER 16, 2004**; Deposition discovery of experts shall be completed by **OCTOBER 22, 2004**;
- (3) discovery is to be completed by **OCTOBER 22, 2004**; unless shortened or enlarged by Order of this Court;
- (4) **ELECTRONIC FILING**: All future submissions in this case are subject to electronic filing and all counsel who choose to appear must make arrangements to register for participation in electronic case filing, if they have not already done so. In addition to electronically filing any pleading, counsel shall also file all submissions relating to dispositive matters with the Court in hard copy, clearly marked "**Courtesy Copy - Do Not Scan**" on the cover page of each pleading/submission. Notices, orders and memoranda of the Court will only be filed and served

electronically.

- (5) A further scheduling/status conference is set for **NOVEMBER 9, 2004 AT 2:30 P.M.** in Courtroom 1 on the 3rd floor before Hon. Douglas P. Woodlock, U.S.D.J. By **NOVEMBER 4, 2004** the parties shall file a STATUS REPORT indicating the current status of the case, including discovery proceedings, settlement discussions, pending or contemplated motions, proposed dates for pretrial conferences and for trial, and any other matters which should be addressed at the further conference.
The parties shall be prepared for trial on the merits after completion of discovery;
- (6) the motion for a preliminary injunction is denied; Plaintiff must make an extraordinary showing in order to renew the preliminary injunction issues prior to the November conference.

All provisions and deadlines contained in this order having been established with the participation of the parties to this case, any requests for modification must be presented to the judge or magistrate judge, if referred for case management proceedings. Any requests for extension will be granted only for good cause shown supported by affidavits, other evidentiary materials, or reference to pertinent portions of the record. The request shall be made by motion and shall contain the reasons for the request, a summary of the discovery which remains to be taken, and a date certain when the requesting party will complete the additional discovery, join other parties, amend the pleadings or file motions. The Court may then enter a final scheduling order, if necessary.

Counsel are encouraged to seek an early resolution of this matter. Additional case management conferences may be scheduled by the court or upon the request of counsel, if the Court can be of assistance in resolving preliminary issues or in settlement.

By the Court,

/s/ Rebecca Greenberg
Deputy Clerk

DATED: July 16, 2004